FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAY 24 2016

MATTHEW J. DYKMAN
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN RE: SANTA FE NATURAL TOBACCO COMPANY MARKETING & SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION

Lead Case No. MD 16-2695 JB/LF

This Document Relates To All Cases

_____________________________________/

5/24/16

~~[PROPOSED]~~ ORDER GRANTING JOINT APPLICATION FOR APPOINTMENT OF PLAINTIFFS' LEADERSHIP STRUCTURE

By Order of May 2, 2016, the Court directed the parties to file a proposed organizational structure, including candidates for lead and liaison counsel on or before May 20, 2016. Case Management Order No. 1, Doc. 8, ¶ 3(k). Before this Court is a joint application submitted by counsel for Plaintiffs who represent to the Court that they have reached a consensus regarding a leadership structure for the above-referenced cases.

~~1.~~ Having considered all timely submissions in light of criteria set forth in Case Management Order No. 1 (Doc. 8, ¶ 3(k)), the Manual for Complex Litigation, and Rule 23(g), Fed. R. Civ. P., the Court hereby appoints the following leadership for Plaintiffs:

A.	**As Co-Lead Counsel Representing Plaintiffs:**	Scott P. Schlesinger; John A. Yanchunis; and Melissa W. Wolchansky.
B.	**As Members of the Executive Committee:**	Caleb Marker; Charles LaDuca; D. Greg Blankinship; Daniel L. Warshaw; James W. Gustafson, Jr.; Michael Reese; Matt Schultz; and Ronald Marron.
C.	**As Liaison Counsel:**	Randi McGinn.
D.	**As Members of the Local Counsel**	Erika E. Anderson; John C.

Coordinating Committee: Bienvenu; Mark H. Donatelli; Nancy R. Long and Nicholas Koluncich.

The following additional provisions will govern the administration of Plaintiffs' leadership structure, subject to further order:

2. **Duties of Co-Lead Counsel:**

(A) Chair the Executive Committee;

(B) Present, after consultation with the Executive Committee and other counsel as may be appropriate, personally or by a designee, the position of Plaintiffs on any matter arising during pretrial proceedings;

(C) Direct and manage proceedings on behalf of all Plaintiffs, including the briefing and argument of motions, the conduct of all types of discovery, and directing any other proceedings;

(D) Consult with and employ consultants or experts, as necessary;

(E) Coordinate with members of the Executive Committee in management of the litigation and fund the necessary and appropriate costs of discovery and other common benefit efforts, including if deemed necessary the maintenance of a Plaintiffs' document depository;

(F) Delegate and oversee specific tasks to other counsel to ensure that pretrial preparation for Plaintiffs is conducted effectively, efficiently, and economically, including the creation of subject matter-specific or other working groups;

(G) Coordinate and manage all tasks related to trial;

(H) Prepare and distribute periodic status reports, as appropriate;

(I) Coordinate and lead discussions with the Court, other Plaintiffs' counsel, Defendants' counsel, and non-parties to ensure that court orders are followed, schedules are met, discovery is conducted and provided consistent with the requirements of Fed. R. Civ. P. 26, unnecessary expenditures of time and funds are avoided, and any negotiations are reasonably efficient and productive;

(J) Maintain an up-to-date comprehensive service list of Plaintiffs' counsel in this MDL proceeding;

(K) Maintain and make available to other Plaintiffs' counsel, on reasonable notice and at reasonable times, a complete set of all pleadings and orders filed and/or served in this MDL proceeding;

(L) Enter into stipulations with other parties as necessary for the conduct of the litigation;

(M) Maintain adequate time and disbursement records covering services as appointed counsel, and to oversee the performance of task by other Plaintiffs' counsel to ensure that tasks are performed in an efficient manner, avoiding unnecessary duplication;

(N) Participate in any class or group settlement discussions; and

(O) Perform such other duties as may be incidental to proper coordination and management of Plaintiffs' pretrial activities or as authorized by further order of the Court.

3. **Liaison Counsel shall have the following responsibilities:**

(A) Communicate with the Court, Court staff, and other parties concerning scheduling, filing, case developments, and other non-substantive matters;

(B) Receive and distribute to Plaintiffs' counsel, as appropriate, orders, notices, and correspondence from the Court;

(C) Convene meetings of counsel, advise parties of developments, and otherwise assist in the coordination of activities;

(D) Delegate and oversee specific tasks to the Local Counsel Coordinating Committee to ensure that pretrial preparation for Plaintiffs is conducted effectively, efficiently, and economically, including the creation of subject matter-specific or other working groups; and

(E) Act for the group in resolving scheduling conflicts.

4. **The Executive Committee shall have the following responsibilities:**

(A) Perform tasks necessary and proper for the Executive Committee as assigned by the Co-Lead Counsel to accomplish its responsibilities, including chairing and staffing subcommittees or workgroups to aid in the effective and efficient conduct of this litigation;

(B) Perform such other functions as may be expressly authorized by further orders of this Court; and

(C) Under the direction of Co-Lead Counsel, the Executive Committee shall meet and confer as needed concerning the activities relating to the prosecution and management of these proceedings.

5. **The Local Counsel Coordinating Committee shall have the following responsibilities:**

(A) Perform tasks necessary and proper for the Local Counsel Coordinating Committee as assigned by the Co-Lead Counsel or Liaison Counsel to accomplish its responsibilities, including staffing subcommittees or workgroups to aid in the effective and efficient conduct of this litigation;

(B) Perform such other functions as may be expressly authorized by further orders of this Court; and

(C) Under the direction of Co-Lead Counsel and Liaison Counsel, the Local Counsel Coordinating Committee shall meet and confer as needed concerning the activities relating to the prosecution and management of these proceedings.

6. Because cooperation among counsel and the parties is essential for the orderly and expeditious resolution of the litigation, the communication, transmission, or dissemination of information among Plaintiffs' counsel shall be subject to the joint attorney-client privilege and the protections afforded by the attorney work-product doctrine, so long as the conditions necessary to create such a privilege or protection have been satisfied and the privilege or protection has not been waived.

7. This order shall govern the practice and procedure in those actions that the Judicial Panel on Multidistrict Litigation transferred to this Court as well as all related actions originally filed, transferred, or removed to this Court. This Order shall also apply to any "tag-along actions" later filed in, removed to, or transferred to this Court, absent further order.

SO ORDERED, this 24th day of May, 2016.

5/24/16

HON. JAMES O. BROWNING
United States District Judge